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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,645	08/15/2001	Indermohan S. Monga	14983BAUS01U	2703
34845	7590	03/11/2005	EXAMINER	
STEUBING AND MCGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER

2153

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/931,645

Applicant(s)

MONGA ET AL.

Examiner

Yasin M Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

Claims 1-39 are presented for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,226,273 (Busuioc et al, hereinafter ``Busuioc'') in view of U.S. Pub. No. 20020063915 (Levandovsky et al. (hereinafter ``Levandovsky'')).

As per claim 1-2, Busuioc et al teach a service agent for managing connection establishment and related services for a user in a communication system, the service agent comprising:

a user-to-network interface (UNI) for interfacing with a communication network (fig. 1, CA 6, customer interface to the communication network col. 4, lines 58-64 and col. 5, lines 20-52)

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a peer-to-peer interface for interfacing with peer users (fig. 1, node 3 and/CA 6 col. 5, line 6-36); and

service logic for interacting with the communication network via the UNI and with the peer users via the peer-to-peer interface for managing said connection establishment and related services for the user (the establishment and restoration of links is carried by System Management Agent (SMA5) to meet customer satisfaction service requirements fig. 1, col. 3, lines 22-26 and col. 5, lines 1-27).

Although Busuioc shows substantial features of the claimed invention including a communication network that is capable of supporting a range of services, he does not explicitly show an optical communication network that comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Busuioc, as evidenced by Levandovsky US PUB (20020063915).

In analogous art, Levandovsky whose invention is about a method for validating a path through a switched optical network, disclose an optical communication network that comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI [fig. 1, 110, 120 and 156 ¶ 0014, page 1].

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Giving the teaching of Levandovsky, a person of ordinary skill in the art at the time of the invention would have readily recognized the desirability and the advantage of modifying Busuioc by employing the a switched optical network system of Levandovsky, because it capable of delivering an acceptable level of performance that is both efficient and economical [¶ 0014].

As per claim 3, Busuioc as modified teaches wherein the optical service logic comprises:

negotiation logic for negotiating various connection and connection-related services on behalf of the user (col. 2, lines 10-27 and col. 5, lines 6-31).

As per claim 4, Busuioc as modified teaches the optical service agent of claim 1, wherein the optical service logic comprises:

modeling logic for modeling at least one connection for the user (fig. 1, col. 2, lines 28-33 and col. 6, lines 54 to col. 7, line26).

As per claim 5, Busuioc as modified teaches optical service agent of claim 1, wherein the optical service logic

Comprises:

reservation logic for reserving connection and connection-related service for the user (col. 6, lines 2-6).

As per claim 6, Busuioc as modified teaches optical service agent of claim 1, wherein the optical service logic comprises:

connection establishment logic for establishing a connection for the user (col. 5, lines 1-9 and col. 6, lines 36-48).

As per claim 7, Busuioc as modified teaches optical service agent of claim 3, wherein the negotiation logic comprises at least one of:

logic for obtaining quotes for communication services from one or more providers (col. 3, lines 37-47 and col. 6, lines 52-65);

logic for placing a connection out to bid by one or more providers and managing the bidding process for the connection (fig. 5);

logic for negotiating costs and other parameters for a connection with one or more providers (col. 2, lines 1-30);

logic for buying connection and connection-related services from one or more providers;

logic for selling connection and connection-related services; and

logic for re-selling communication and connection-related services (col. 3, lines 37-47 and col. 6, lines 52-65).

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As per claim 8, Levandovsky as modified teaches an optical service agent of claim 1, wherein the optical service logic comprises:

aggregation logic for aggregating multiple optical communication paths over a connection (§ 0014 and § 0016).

As per claim 9, Busuioc as modified teaches optical service agent of claim 4, wherein the modeling logic comprises at least one of:

logic for interacting with the optical communication network to obtain information relating to a portion of a connection traversing the optical communication network (fig. 1, and (§ 0014- 0016 and § 0022-0023).

As per claim 10, Busuioc as modified teaches optical service agent of claim 5, wherein the reservation logic comprises at least one of:

logic for interacting with the peer users via the peer-to-peer interface in order to reserve communication services provided by the peer users (col. 3, lines 22-26; col. 5, lines 1-27 and col. 6, lines 2-6); and

logic for interacting with the optical communication network via the UNI in order to reserve communication services provided by the optical communication network.

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As per claim 11, Busuioc as modified teaches optical service agent of claim 1, wherein the optical service logic comprises bandwidth determination logic for determining bandwidth requirements for a connection (§ 0023 and § 0039).

As per claim 12, Busuioc as modified teaches the optical service agent of claim 6, wherein the connection establishment logic comprises at least one of:

logic for interacting with the optical communication network in order to set up a communication path having specific attributes (§ 0025-0026); and

logic for interacting with the peer users via the peer-to-peer interface in order to set up a communication path end-to-end across optical communication network

As per claims 13-15 and 26-27, these claims include similar limitations as addressed in claims 1-2 above, therefore, they are rejected with the same rationale.

As per claims 16 and 28, Busuioc as modified teaches the invention, wherein the optical service logic comprises:

negotiation logic for negotiating various connection and connection-related services on behalf of the user (col. 2, lines 10-27 and col. 5, lines 6-31).



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As per claims 17 and 29, Busuioc as modified teaches the invention, wherein the optical service logic comprises:

modeling logic for modeling at least one connection for the user (fig. 1, col. 2, lines 28-33 and col. 6, lines 54 to col. 7, line26).

As per claims 18 and 30, Busuioc as modified teaches the invention, wherein the optical service logic Comprises:

reservation logic for reserving connection and connection-related service for the user (col. 6, lines 2-6).

As per claims 19 and 31, Busuioc as modified teaches the invention, wherein the optical service logic comprises:

connection establishment logic for establishing a connection for the user (col. 5, lines 1-9 and col. 6, lines 36-48).

As per claim 34, this is a method claim with similar limitations as claims 1, 3-5 and 8 combined. Therefore, it is rejected with the same rationale.

As per claims 20 and 35, Busuioc as modified teaches the invention, wherein the negotiation logic comprises at least one of:

logic for obtaining quotes for communication services from one or more providers (col. 3, lines 37-47 and col. 6, lines 52-65);

logic for placing a connection out to bid by one or more providers and managing the bidding process for the connection (fig. 5);

logic for negotiating costs and other parameters for a connection with one or more providers (col. 2, lines 1-30);  
logic for buying connection and connection-related services from one or more providers;

logic for selling connection and connection-related services; and

logic for re-selling communication and connection-related services (col. 3, lines 37-47 and col. 6, lines 52-65).

As per claims 21 and 32, Levandovsky as modified teaches the invention, wherein the optical service logic comprises:

aggregation logic for aggregating multiple optical communication paths over a connection (§ 0014 and § 0016).

As per claims 22 and 36, Busuioc as modified teaches the invention, wherein the modeling logic comprises at **least one** of:

logic for interacting with the optical communication network to obtain information relating to a portion of a connection

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traversing the optical communication network (fig. 1, and (¶ 0014- 0016 and ¶ 0022-0023).

As per claim 23, Busuioc as modified teaches the invention, wherein the reservation logic comprises at least one of:

logic for interacting with the peer users via the peer-to-peer interface in order to reserve communication services provided by the peer users (col. 3, lines 22-26; col. 5, lines 1-27 and col. 6, lines 2-6); and

logic for interacting with the optical communication network via the UNI in order to reserve communication services provided by the optical communication network.

As per claims 24 and 33, Levandovsky as modified teaches the invention, wherein the optical service logic comprises bandwidth determination logic for determining bandwidth requirements for a connection (¶ 0023 and ¶ 0039).

As per claims 25 and 38, Levandovsky as modified teaches the invention, wherein the connection establishment logic comprises at least one of:

logic for interacting with the optical communication network in order to set up a communication path having specific attributes (¶ 0025-0026); and

logic for interacting with the peer users via the peer-to-peer interface in order to set up a communication path end-to-end across optical communication network (fig. 1).

As per claims 39, Levandovsky as modified teaches the invention, wherein aggregating multiple optical communication paths over a connection comprises:

receiving a first request for a first optical communication path (§ 0014);

establishing a connection for the first optical communication path (§ 0014 and § 0025);

receiving a second request for a second optical communication path (§ 0014 and § 0025); and

mapping the second optical communication path to the connection using a predetermined mapping protocol (§ 0014 and §0025-0026).

### **Conclusion**

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

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